

## **Remarks**

### **A. Overview**

The present application includes claims 1-29 of which claims 8-22, 26 and 29 have been elected for prosecution. With this Amendment Applicants have canceled claims 1-7 and added claims 30-40. As such, claims 8-40 are currently pending in this application.

Applicants acknowledge with appreciation the indication by the Examiner that claim 11 if rewritten to overcome the §112 rejection and placed in independent form would be allowable. Applicants have herein addressed the §112 rejection and have rewritten claim 11 in independent form. Applicants submit that the limitation in amended claim 10 from which original claim 11 depended that “the second member is coupled to the vertically extending handle” is inherent in the limitation present in amended claim 11 that the “second member is slidably coupled to the vertically extending handle.” As such, Applicants submit that claim 11 is in condition for allowance. Such action is respectfully requested.

### **B. Claim Rejections – 35 U.S.C. §112**

The Examiner rejected claim 19 under 35 U.S.C. §112, first paragraph as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. Applicants submit that amended claim 19 addresses the Examiner’s rejection. Therefore, Applicants request that the Examiner withdraw the rejection of claim 19.

The Examiner rejected claims 8-15 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. In particular, the Examiner refers to the inconsistent usage of “first member” and “second member” in claims 8-13. Applicants have amended claims 9-13 to correct any inconsistent usage of “first member” and “second member” in claims 8-15. Therefore, Applicants request that the Examiner withdraw the rejection of claims 8-15.

### **C. Claim Rejections – 35 U.S.C. §102**

Claims 8-10, 12-22, 26 and 29 were rejected under 35 U.S.C §102(b) as being unpatentable over Japanese Patent Abstract 09024071 (“’071 Patent”). The ’071 Patent relates to a BED TRANSPORT DEVICE. The rejected claims include independent claims 8, 16, and 21 from which the remaining rejected claims are dependent.

### Claim 8

Applicants submit that the '071 Patent does not disclose, teach or suggest the apparatus as claimed in amended claim 8 which recites "A propulsion system ... comprising a propulsion device ... and a coupler ... including a first member adapted to couple the patient support at a first distance from the floor and a second member adapted to couple the patient support at a second distance from the floor ... at least one of the first member and the second member being adjustable." Applicants submit that amended independent claim 8 patentably defines the invention over the '071 Patent. Accordingly, Applicants submit that independent claim 8 is in condition for allowance. Such action is respectfully requested.

Claims 9-15 depend from independent claim 8. Accordingly, Applicants submit that claims 9-15 are in condition for allowance. Such action is respectfully requested.

### Claim 16

Applicants submit that the '071 Patent does not disclose, teach or suggest the apparatus as claimed in claim 16 which recites "A propulsion system ... comprising a propulsion device ... and a coupler ... adapted to be coupled to the patient restraint board." The Examiner asserts that the '071 Patent discloses "a propulsion device (1) having a coupler ... adapted to couple a patient restraint board (see Figure 1)." However, couplers 14 and 15 of the '071 Patent are coupled to the frame 3 of bed 2, not a patient restraint board. In particular, the '071 Patent discloses,

"When bed transporting device (1) is used to transport bed (2), bed transporting device (1) is connected to frame (3) of bed (2). ... Upper connector (14) set on the upper portion has recess (14a) fit to frame (3) of bed (2). Lower connector (15) set on the lower portion has recess (15a) for pressing frame (3) of bed (2) upward."<sup>1</sup>

As such, the '071 Patent does not disclose, teach or suggest a propulsion system as defined by claim 16.

For at least these reasons, Applicants submit that independent claim 16 patentably defines the invention over the '071 Patent. Accordingly, Applicants submit that independent claim 16 is in condition for allowance. Such action is respectfully requested.

Claims 17-20 depend from independent claim 16. Accordingly, Applicants submit that claims 17-20 are in condition for allowance. Such action is respectfully requested.

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<sup>1</sup> See Enclosed Certified Translation of Selected Portions of the '071 Patent.

### Claim 21

Applicants submit that the '071 Patent does not disclose, teach or suggest the apparatus as claimed in claim 21 which recites "A propulsion system configured to move a patient support having a bedframe ... comprising a propulsion device ... a coupler configured to move between a coupled position ... and an uncoupled position ... and a vertically extending handle coupled to the coupler and configured to move the coupler between the coupled and uncoupled positions." The apparatus of the '071 Patent at least does not disclose, teach, or suggest "a vertically extending handle coupled to the coupler and configured to move the coupler between the coupled and uncoupled positions," as required by the propulsion system of claim 21.

For at least these reasons, Applicants submit that independent claim 21 patentably defines the invention over the '071 Patent. Accordingly, Applicants submit that independent claim 21 is in condition for allowance. Such action is respectfully requested.

Claims 22, 26 and 29 depend from independent claim 21. Accordingly, Applicants submit that claims 22, 26 and 29 are in condition for allowance. Such action is respectfully requested.

Further, claims 23-25, 27 and 28 depend from independent claim 21 and are directed to a non-elected species. The Examiner indicated in the Office Action dated July 2, 2002 that independent claim 21 appears to be a generic claim. Accordingly, Applicants submit that claims 23-25, 27 and 28 depend from an allowable generic claim and are in condition for allowance. Such action is respectfully requested.

### D. New Claims

With this amendment the Applicants have added new claims 30-40. Claims 30-33 depend from independent claim 11. Independent claim 34 is directed to a propulsion system configured to move a patient support. Claims 35-40 depend from independent claim 34. Consideration and allowance of these claims is respectfully requested.

### E. Information Disclosure Statement

The copy of the Information Disclosure Statement submitted on December 3, 2001 by the Applicants and enclosed by the Examiner with the Office Action dated September 17, 2002 was incorrectly initialed by the Examiner. As shown on the enclosed copy, the Examiner initialed the line below the listing for US Patent No. 3,770,070, instead of the line corresponding to the listing for US Patent No. 3,770,070. Applicants respectfully

request that a corrected copy of the enclosed PTO Form 1449 be supplied with the next communication from the Examiner. Otherwise it will be assumed that the Examiner has considered this reference.

F. Final Remarks

Claims 8-40 are believed to be in condition for allowance. Such allowance is respectfully requested.

If necessary, please consider this a Petition for Extension of Time to effect a timely response. Please charge any additional fees or credits to the account of Bose McKinney & Evans, LLP Deposit Account No. 02-3223. In the event that there are any questions related to these amendments or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application for all concerned.

Respectfully submitted,

BOSE McKINNEY & EVANS, LLP

A handwritten signature in black ink, appearing to read 'William S. Meyers', is written over a horizontal line.

William S. Meyers  
Reg. No. 42,884

Indianapolis, Indiana 46204  
(317) 684-5273



## APPENDIX

### MARKED UP COPY OF THE AMENDMENTS UNDER §1.121

This MARKED UP COPY OF THE AMENDMENTS UNDER §1.121 is filed herewith an amendment pursuant to 37 C.F.R. §1.111. Amendments are shown by brackets for deletions and underlining for additions.

#### In the Claims

Please amend claims 8-13, 19 and 21 to read as follows:

8. (Amended) A propulsion system configured to move a patient support, the propulsion system comprising  
a propulsion device adapted to contact the floor to power movement of the patient support and  
a coupler configured to detachably couple the propulsion device to the patient support, the coupler including a first member adapted to couple the patient support at a first distance from the floor and a second member adapted to couple the patient support at a second distance from the floor that is greater than the first distance, at least one of the first member and the second member being adjustable.
9. (Amended) The propulsion system of claim 8, wherein the [first] second member is adapted to couple to a patient restraint board of the patient support and the [second] first member is adapted to couple to a base frame of the patient support.
10. (Amended) The propulsion system of claim 8, further comprising a vertically extending handle, wherein the propulsion device includes a frame and a motorized wheel coupled to the frame, and the vertically extending handle is coupled to the frame, and the [first] second member is coupled to the vertically extending handle.
11. (Amended) [The propulsion system of claim 10,] A propulsion system configured to move a patient support, the propulsion system comprising  
a propulsion device adapted to contact the floor to power movement of the patient support

a coupler configured to detachably couple the propulsion device to the patient support, the coupler including a first member adapted to couple the patient support at a first distance from the floor and a second member adapted to couple the patient support at a second distance from the floor that is greater than the first distance, and

a vertically extending handle, wherein the propulsion device includes a frame and a motorized wheel coupled to the frame, and the vertically extending handle is coupled to the frame, and wherein the [first] second member is slidably coupled to the vertically extending handle.

12. (Amended) The propulsion system of claim 8, wherein the [second] first member is hook-shaped and adapted to hook onto a bedframe of the patient support.

13. (Amended) The propulsion system of claim 12, wherein the [first] second member is hook-shaped and adapted to hook onto a patient restraint board of the patient support.

19. (Amended) The propulsion system of claim 18, wherein the vertically extending handle extends from the frame of the propulsion device to a height above [to] the patient restraint board.

21. (Amended) A propulsion system configured to move a patient support having a bedframe and mattress supported by the bedframe, the propulsion system comprising  
a propulsion device adapted to contact the floor to power movement of the patient support,

a coupler configured to move between a coupled position coupling the propulsion device to the bedframe and an uncoupled [device] position permitting movement of the propulsion device away from the bedframe, and

a vertically extending handle coupled to the coupler and configured to move the coupler between the coupled and uncoupled positions.